APPENDIX.

THE COMPACT BETWEEN THE STATES OF NEW YORK AND NEW JERSEY BY WHICH THE PORT OF NEW YORK DISTRICT AND THE PORT OF NEW YORK AUTHORITY, WITH CERTAIN POWERS, WERE CREATED.

ACTS OF THE CONGRESS OF THE UNITED STATES AND THE LEGISLATURES OF NEW YORK AND NEW JERSEY UNDER WHICH THE COMPACT WAS AUTHORIZED.

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ACT OF THE LEGISLATURE OF THE STATE OF NEW YORK IN FURTHER EFFECTUATION OF THE COMPREHENSIVE PLAN, BY PROVIDING ADEQUATE MACHINERY AND APPROPRIATE JURISDICTION IN THE COURTS.

GENERAL DESCRIPTION OF OTHER PORT AUTHORITY LEGISLATION.

THE COMPACT BETWEEN THE STATES OF NEW YORK AND NEW JERSEY BY WHICH THE PORT OF NEW YORK DISTRICT AND THE PORT OF NEW YORK AUTHORITY, WITH CERTAIN POWERS, WERE CREATED.

WHEREAS, In the year eighteen hundred and thirty-four the states of New York and New Jersey did enter into an agreement fixing and determining the rights and obligations of the two states in and about the waters between the two states, especially in and about the bay of New York and the Hudson river; and

WHEREAS, Since that time the commerce of the port of New York has greatly developed and increased and the territory in and around the port has become commercially one center or district; and

WHEREAS, It is confidently believed that a better co-ordination of the terminal, transportation and other facilities of commerce in, about and through the port of New York will result in great economies, benefiting the nation, as well as the states of New York and New Jersey; and

WHEREAS, The future development of such terminal, transportation and other facilities of commerce will require the expenditure of large sums of money and the cordial co-operation of the states of New York and New Jersey in the encouragement of the investment of capital, and in the formulation and execution of the necessary physical plans; and

WHEREAS, Such result can best be accomplished through the co-operation of the two states by and through a joint or common agency;

Now, therefore, The said states of New Jersey and New York do supplement and amend the existing agreement of eighteen hundred and thirty-four in the following respects:

ARTICLE I.

They agree to and pledge, each to the other, faithful co-operation in the future planning and development of the port of New York, holding in high trust for the benefit of the nation the special blessings and natural advantages thereof.

ARTICLE II.

To that end the two states do agree that there shall be created and they do hereby create a district to be known as the "Port of New York District" (for brevity hereinafter referred to as "The District"), which shall embrace the territory bounded and described as follows:

The district is included within the boundary lines located by connecting points of known latitude and longitude. The approximate courses and distances of the lines enclosing the district are recited in the description, but the district is determined by drawing lines through the points of known latitude and longitude. Beginning at a point A of latitude forty-one degrees and four minutes north and longitude seventy-three degrees and fifty-six minutes west, said point being about sixty-five hundredths of a mile west of the westerly bank of the Hudson river and about two and one-tenth miles northwest of the pier at Piermont, in the county of Rockland, state of New

York; thence due south one and fifteen hundredths miles more or less to a point B of latitude forty-one degrees and three minutes north and longitude seventy-three degrees and fifty-six minutes west; said point being about one and three-tenths miles northwest of the pier at Piermont, in the county of Rockland, state of New York; thence south fifty-six degrees and thirty-four minutes west six and twenty-six hundredths miles more or less to a point C of latitude forty-one degrees and no minutes north and longitude seventy-four degrees and two minutes west, said point being about seven-tenths of a mile north of the railroad station at Westwood, in the county of Bergen, state of New Jersey; thence south sixty-eight degrees and twenty-four minutes west nine and thirty-seven hundredths miles more or less to a point D of latitude forty degrees and fifty-seven minutes north and longitude seventy-four degrees and twelve minutes west, said point being about three miles northwest of the business center of the city of Paterson, in the county of Passaic, state of New Jersey; thence south forty-seven degrees and seventeen minutes west eleven and eighty-seven hundredths miles more or less to a point E of latitude forty degrees and fifty minutes north and longitude seventy-four degrees and twenty-two minutes west, said point being about four and five-tenths miles west of the borough of Caldwell, in the county of Morris, state of New Jersey; thence due south nine and twenty hundredths miles more or less to a point F of latitude forty degrees and forty-two minutes north and longitude seventy-four degrees and twenty-two minutes west, said point being about one and two-tenths miles southwest of the passenger station of the Delaware, Lackawanna and Western railroad in the city of Summit, in the county of Union, state of New Jersey; thence south forty-two degrees and twenty-four minutes west, seven and seventy-eight hundredths miles more or less to a point

G of latitude forty degrees and thirty-seven minutes north and longitude seventy-four degrees and twenty-eight minutes west, said point being about two and two-tenths miles west of the business center of the city of Plainfield, in the county of Somerset, state of New Jersey; thence due south twelve and sixty-five hundredths miles more or less on a line passing about one mile west of the business center of the city of New Brunswick to a point H of latitude forty degrees and twenty-six minutes north and longitude seventy-four degrees and twenty-eight minutes west, said point being about four and five-tenths miles southwest of the city of New Brunswick, in the county of Middlesex, State of New Jersey; thence south seventy-seven degrees and forty-two minutes east ten and seventy-nine hundredths miles more or less to a point I of latitude forty degrees and twenty-four minutes north and longitude seventy-four degrees and sixteen minutes west, said point being about two miles southwest of the borough of Matawan, in the county of Middlesex, state of New Jersey; thence due east twenty-five and forty-eight hundredths miles more or less, crossing the county of Monmouth, state of New Jersey, and passing about one and four-tenths miles south of the pier of the Central Railroad of New Jersey at Atlantic Highlands to a point J of latitude forty degrees and twenty-four minutes north and longitude seventy-three degrees and forty-seven minutes west, said point being in the Atlantic ocean; thence north eleven degrees fifty-eight minutes east twenty-one and sixteen hundredths miles more or less to a point K, said point being about five miles east of the passenger station of the Long Island railroad at Jamaica and about one and three-tenths miles east of the boundary line of the city of New York, in the county of Nassau, state of New York; thence in a northeasterly direction passing about one-half mile west of New Hyde Park and about one and one-tenth miles

east of the shore of Manhasset bay at Port Washington, crossing Long Island Sound to a point L, said point being the point of intersection of the boundary line between the states of New York and Connecticut and the meridian of seventy-three degrees thirty-nine minutes and thirty seconds west longitude, said point being also about a mile northeast of the village of Port Chester; thence northwesterly along the boundary line between the states of New York and Connecticut to a point M, said point being the point of intersection between said boundary line between the states of New York and Connecticut and the parallel of forty-one degrees and four minutes north latitude, said point also being about four and five-tenths miles northeast of the business center of the city of White Plains; thence due west along said parallel of forty-one degrees and four minutes north latitude, the line passing about two and one-half miles north of the business center of the city of White Plains and crossing the Hudson river to the point A, the place of beginning.

The boundaries of said district may be changed from time to time by the action of the legislature of either state concurred in by the legislature of the other.

ARTICLE III.

There is hereby created "The Port of New York Authority" (for brevity hereinafter referred to as the "Port Authority"), which shall be a body corporate and politic, having the powers and jurisdiction hereinafter enumerated, and such other and additional powers as shall be conferred upon it by the legislature of either state concurred in by the legislature of the other, or by act or acts of congress, as hereinafter provided.

ARTICLE IV.

The port authority shall consist of six commissioners—three resident voters from the state of New York, two of whom shall be resident voters of the city of New York, and three resident voters from the state of New Jersey, two of whom shall be resident voters within the New Jersey portion of the district, the New York members to be chosen by the state of New York and the New Jersey members by the state of New Jersey in the manner and for the terms fixed and determined from time to time by the legislature of each state, respectively, except as herein provided.

Each commissioner may be removed or suspended from office as provided by the law of the state for which he shall be appointed.

ARTICLE V.

The commissioners shall, for the purpose of doing business, constitute a board and may adopt suitable by-laws for its management.

ARTICLE VI.

The port authority shall constitute a body, both corporate and politic, with full power and authority to purchase, construct, lease and/or operate any terminal or transportation facility within said district; and to make charges for the use thereof; and for any of such purposes to own, hold, lease and/or operate real or personal property, to borrow money and secure the same by bonds or by mortgages upon any property held or to be held by it. No property now or hereafter vested in or held by either

state, or by any county, city, borough, village, township or other municipality, shall be taken by the port authority without the authority or consent of such state, county, city, borough, village, township or other municipality, nor shall anything herein impair or invalidate in any way any bonded indebtedness of such state, county, city, borough, village, township or other municipality, nor impair the provisions of law regulating the payment into sinking funds of revenues derived from municipal property, or dedicating the revenues derived from any municipal property to a specific purpose.

The powers granted in this article shall not be exercised by the port authority until the legislatures of both states shall have approved of a comprehensive plan for the development of the port, as hereinafter provided.

ARTICLE VII.

The port authority shall have such additional powers and duties as may hereafter be delegated to or imposed upon it from time to time by the action of the legislature of either state concurred in by the legislature of the other. Unless and until otherwise provided, it shall make an annual report to the legislature of both states, setting forth in detail the operations and transactions conducted by it pursuant to this agreement and any legislation thereunder. The port authority shall not pledge the credit of either state except by and with the authority of the legislature thereof.

ARTICLE VIII.

Unless and until otherwise provided, all laws now or hereafter vesting jurisdiction or control in the public service commission, or the public utilities commission, or like

body, within each state respectively, shall apply to railroads and to any transportation, terminal or other facility owned, operated, leased or constructed by the port authority, with the same force and effect as if such railroad, or transportation, terminal or other facility were owned, leased, operated or constructed by a private corporation.

ARTICLE IX.

Nothing contained in this agreement shall impair the powers of any municipality to develop or improve port and terminal facilities.

ARTICLE X.

The legislatures of the two states, prior to the signing of this agreement, or thereafter as soon as may be practicable, will adopt a plan or plans for the comprehensive development of the port of New York.

ARTICLE XI.

The port authority shall from time to time make plans for the development of said district, supplementary to or amendatory of any plan theretofore adopted, and when such plans are duly approved by the legislatures of the two states, they shall be binding upon both states with the same force and effect as if incorporated in this agreement.

ARTICLE XII.

The port authority may from time to time make recommendations to the legislatures of the two states or to the

congress of the United States, based upon study and analysis, for the better conduct of the commerce passing in and through the port of New York, the increase and improvement of transportation and terminal facilities therein, and the more economical and expeditious handling of such commerce.

ARTICLE XIII.

The port authority may petition any interstate commerce commission (or like body), public service commission, public utilities commission (or like body), or any other federal, municipal, state or local authority, administrative, judicial or legislative, having jurisdiction in the premises, after the adoption of the comprehensive plan as provided for in article X for the adoption and execution of any physical improvement, change in method, rate of transportation, system of handling freight, warehousing, docking, lightering or transfer of freight, which, in the opinion of the port authority, may be designed to improve or better the handling of commerce in and through said district, or improve terminal and transportation facilities therein. It may intervene in any proceeding affecting the commerce of the port.

ARTICLE XIV.

The port authority shall elect from its number a chairman, vice-chairman, and may appoint such officers and employees as it may require for the performance of its duties, and shall fix and determine their qualifications and duties.

ARTICLE XV.

Unless and until the revenues from operations conducted by the port authority are adequate to meet all expenditures, the legislatures of the two states shall appropriate, in equal amounts, annually, for the salaries, office and other administrative expenses, such sum or sums as shall be recommended by the port authority and approved by the governors of the two states, but each state obligates itself hereunder only to the extent of one hundred thousand dollars in any one year.

ARTICLE XVI.

Unless and until otherwise determined by the action of the legislatures of the two states, no action of the port authority shall be binding unless taken at a meeting at which at least two members from each state are present and unless four votes are cast therefor, two from each state. Each state reserves the right hereafter to provide by law for the exercise of a veto power by the governor thereof over any action of any commissioner appointed therefrom.

ARTICLE XVII.

Unless and until otherwise determined by the action of the legislatures of the two states, the port authority shall not incur any obligations for salaries, office or other administrative expenses, within the provisions of article XV, prior to the making of appropriations adequate to meet the same.

ARTICLE XVIII.

The port authority is hereby authorized to make suitable rules and regulations not inconsistent with the constitution of the United States or of either state, and subject to the exercise of the power of congress, for the improvement of the conduct of navigation and commerce, which, when concurred in or authorized by the legislatures of both states, shall be binding and effective upon all persons and corporations affected thereby.

ARTICLE XIX.

The two states shall provide penalties for violations of any order, rule or regulation of the port authority, and for the manner of enforcing the same.

ARTICLE XX.

The territorial or boundary lines established by the agreement of eighteen hundred and thirty-four, or the jurisdiction of the two states established thereby, shall not be changed except as herein specifically modified.

ARTICLE XXI.

Either state may by its legislature withdraw from this agreement in the event that a plan for the comprehensive development of the port shall not have been adopted by both states on or prior to July first, nineteen hundred and twenty-three; and when such withdrawal shall have been communicated to the governor of the other state by the state so withdrawing, this agreement shall be thereby abrogated.

ARTICLE XXII.

Definitions. The following words as herein used shall have the following meaning: "Transportation facility" shall include railroads, steam or electric, motor truck or other street or highway vehicles, tunnels, bridges, boats, ferries, car-floats, lighters, tugs, floating elevators, barges, scows or harbor craft of any kind, air craft suitable for harbor service, and every kind of transportation facility now in use or hereafter designed for use for the transportation or carriage of persons or property. "Terminal facility" shall include wharves, piers, slips, ferries, docks, dry docks, bulkheads, dock-walls, basins, car-floats, float-bridges, grain or other storage elevators, warehouses, cold storage, tracks, yards, sheds, switches, connections, overhead appliances, and every kind of terminal or storage facility now in use or hereafter designed for use for the handling, storage, loading or unloading of freight at steamship, railroad or freight terminals. "Railroads" shall include railways, extensions thereof, tunnels, subways, bridges, elevated structures, tracks, poles, wires, conduits, power houses, substations, lines for the transmission of power, car-barns, shops, yards, sidings, turnouts, switches, stations and approaches thereto, cars and motive equipment. "Facility" shall include all works, buildings, structures, appliances and appurtenances necessary and convenient for the proper construction, equipment, maintenance and operation of such facility or facilities or any one or more of them. "Real property" shall include land under water, as well as uplands, and all property either now commonly or legally defined as real property or which may hereafter be so defined. "Personal property" shall include choses in action and all other property now commonly or legally defined as personal property or which may hereafter be so defined. "To

lease" shall include to rent or to hire. "Rule or regulation," until and unless otherwise determined by the legislatures of both states, shall mean any rule or regulation not inconsistent with the constitution of the United States or of either state, and, subject to the exercise of the power of congress, for the improvement of the conduct of navigation and commerce within the district, and shall include charges, rates, rentals or tolls fixed or established by the port authority; and until otherwise determined as aforesaid, shall not include matters relating to harbor or river pollution. Wherever action by the legislature of either state is herein referred to, it shall mean an act of the legislature duly adopted in accordance with the provisions of the constitution of the state.

Plural or singular. The singular wherever used herein shall include the plural.

Consent, approval or recommendation of municipality; how given. Wherever herein the consent, approval or recommendation of a "municipality" is required, the word "municipality" shall be taken to include any city or incorporated village within the port district, and in addition in the state of New Jersey any borough, town, township or any municipality governed by an improvement commission within the district. Such consent, approval or recommendation whenever required in the case of the city of New York shall be deemed to have been given or made whenever the board of estimate and apportionment of said city or any body hereafter succeeding to its duties shall by majority vote pass a resolution expressing such consent, approval or recommendation; and in the case of any municipality now or hereafter governed by a commission, whenever the commission thereof shall by a majority vote pass such a resolution; and in all other cases whenever the body authorized to grant consent to the use of the streets or highways of such municipality shall by a majority vote pass such a resolution.

IN WITNESS WHEREOF, we have hereunto set our hands and seals under Chapter 154 of the Laws of 1921 of the State of New York and Chapter 151 of the Laws of 1921 of the State of New Jersey, this thirtieth day of April, 1921.

WILLIAM R. WILLCOX	(L. S.)
EUGENIUS H. OUTERBRIDGE	(L. S.)
CHARLES D. NEWTON	(L. S.)
J. SPENCER SMITH	(L. S.)
DEWITT VAN BUSKIRK	(L. S.)
FRANK R. FORD	(L. S.)
THOMAS F. MCCRAN	(L. S.)

IN THE PRESENCE OF:

NATHAN L. MILLER	CLARENCE E. CASE
WALTER E. EDGE	D. P. KINGSLEY
ALFRED E. SMITH	IRVING T. BUSH
CHARLES S. WHITMAN	ARTHUR N. PIERSON
WILLIAM M. CALDER	JULIUS HENRY COHEN
LEWIS H. POUNDS	

in whose presence Messrs. Willcox, Outerbridge, Smith, Van Buskirk, Ford and McCran signed in the Great Hall of the Chamber of Commerce in the City of New York on the thirtieth day of April, 1921. Attorney General Newton being at that time absent from the City, he signed on the sixth day of May, 1921, at the Chamber, in the presence of:

WILLIAM LEARY	CHAS. T. GWYNNE

ACTS OF THE CONGRESS OF THE UNITED STATES AND OF THE LEGISLATURES OF NEW YORK AND NEW JERSEY UNDER WHICH THE COMPACT BETWEEN THE STATES OF NEW YORK AND NEW JERSEY WAS AUTHORIZED AND THE PORT OF NEW YORK DISTRICT AND THE PORT OF NEW YORK AUTHORITY CREATED.

LAWS OF NEW YORK, 1921.

CHAP. 154.

AN ACT authorizing designated authorities in behalf of the state of New York to enter into an agreement or compact with designated authorities of the state of New Jersey for the creation of the "Port of New York District," the establishment of "The Port of New York Authority," and the defining of the powers and duties of such authority.

Became a law April 2, 1921, with the approval of the Governor. Passed by a two-thirds vote.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. William R. Willcox, Eugenius H. Outerbridge and Murray Hulbert, or any two of them, commissioners heretofore appointed under chapter four hundred and twenty-six of the laws of nineteen hundred and seventeen of the state of New York, together with the attorney-general of the state of New York, are hereby authorized as commissioners upon the part of the state of New York to enter into, with the state of New Jersey, by and through the commissioners appointed or who may be appointed under or by virtue of a law of the legislature of the state

of New Jersey, an agreement or compact in the form following, that is to say:

[Here follows the text of the treaty as it appears herein from pages 50 to 62.]

§ 2. The said agreement or compact, when signed and sealed by the commissioners of each state as hereinbefore provided, and the attorney-general of the state of New York, and the attorney-general of the state of New Jersey if he be designated so to act by the state of New Jersey, shall become binding upon the state of New York, and shall be filed in the office of the secretary of state of the state of New York.

§ 3. If by death, resignation or otherwise, a vacancy occurs among those appointed hereunder by the state of New York, the governor is hereby authorized to fill the same.

§ 4. The said commissioners, together with the commissioners appointed from the state of New Jersey, shall have power to apply to the congress of the United States for its consent and approval of the agreement or compact signed by them; but in the absence of such consent of congress and until the same shall have been secured, the said agreement or compact shall be binding upon the state of New York in all respects permitted by law for the two states of New York and New Jersey without the consent of congress to co-operate, for the purposes enumerated in said agreement or compact, and in the manner provided therein.

§ 5. This act shall take effect immediately.

CHAP. 151.

AN ACT to authorize a commission to enter into a compact or agreement with the State of New York for the development of the port of New York.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

1. J. Spencer Smith, De Witt Van Buskirk and Frank R. Ford, or any two of them, commissioners heretofore appointed under chapter 130 of the Laws of 1917, of the State of New Jersey, together with the Attorney-General of the State of New Jersey, are hereby authorized as commissioners upon the part of the State of New Jersey to enter into, with the State of New York, by and through the commissioners appointed or who may be appointed under or by virtue of a law of the Legislature of the State of New York, an agreement or compact in the form following, that is to say:

[Here follows the text of the treaty as it appears herein from pages 50 to 62, except for the omission from Article II, in the clause relating to the "business center of the city of Paterson," of the word "being," an obvious typographical error.]

2. The said agreement or compact, when signed and sealed by the commissioners of each State as hereinbefore provided, and the Attorney-General of the State of New Jersey, and the Attorney-General of the State of New York, if he be designated so to act by the State of New York, shall become binding upon the State of New Jersey, and shall be filed in the office of the Secretary of State of the State of New Jersey.

3. If by death, resignation or otherwise, a vacancy occurs among those appointed hereunder by the State of New Jersey, the Governor is hereby authorized to fill the same.

4. The said commissioners, together with the commissioners appointed from the State of New York, shall have power to apply to the Congress of the United States for its consent and approval of the agreement or compact signed by them; but in the absence of such consent of Congress and until the same shall have been secured, the said agreement or compact shall be binding upon the State of New Jersey in all respects permitted by law for the two States of New York and New Jersey without the consent of Congress to co-operate, for the purposes enumerated in said agreement or compact, and in the manner provided therein.

5. This act shall take effect immediately.

Passed April 7, 1921.

Public Resolution No. 17—67th Congress
[S. J. Res. 88]

JOINT RESOLUTION

Granting consent of Congress to an agreement or compact entered into between the State of New York and the State of New Jersey for the creation of the Port of New York District and the establishment of the Port of New York Authority for the comprehensive development of the port of New York.

Whereas commissioners duly appointed on the part of the State of New York and commissioners duly appointed on the part of the State of New Jersey for the creation of the Port of New York District and the establishment of the Port of New York Authority for the comprehensive development of the port of New York, pursuant to chapter 154, Laws of New York, 1921, and chapter 151, Laws of New Jersey, 1921, have executed certain articles, which are contained in the following, namely:

[Here follows the text of the treaty as it appears herein at pages 50 to 62.]

And

Whereas the said agreement has been signed and sealed by the commissioners of each State, and has thereby become binding on the two States as provided in the aforesaid acts: Therefore be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the consent of Congress is hereby given to the said agreement, and to each and every part and article thereof: *Provided,* That nothing therein contained shall be construed as impairing or in any manner affecting any right or jurisdiction of the United States in and over the region which forms the subject of said agreement.

SEC. 2. That the right to alter, amend, or repeal this resolution is hereby expressly reserved.

Approved, August 23, 1921.

ACTS OF THE LEGISLATURES OF THE STATES OF NEW YORK AND NEW JERSEY AND OF CONGRESS APPROVING OF THE COMPREHENSIVE PLAN FOR THE DEVELOPMENT OF THE PORT OF NEW YORK AND CONTAINING GRANTS OF POWER AND AUTHORITY TO THE PORT OF NEW YORK AUTHORITY TO EFFECTUATE THE COMPREHENSIVE PLAN.

Laws of New York, 1922
Chapter 43

An Act by which the state of New York agrees with the state of New Jersey upon the comprehensive plan for the development of the port of New York, pursuant to the compact authorized by the two states and signed April thirtieth, nineteen hundred and twenty-one, and consented to and approved by congress and the president of the United States, August twenty-three, nineteen hundred and twenty-one, and authorizing and empowering the port of New York authority to effectuate the same, and making an appropriation therefor.

Became a law February 24, 1922, with the approval of the Governor. Passed, three-fifths being present.

Laws of New Jersey, 1922
Chapter 9

An Act by which the State of New Jersey agrees with the State of New York upon the Comprehensive Plan for the development of the Port of New York, pursuant to the compact authorized by the two States and signed April thirtieth, one thousand nine hundred and twenty-one, and consented to and approved by Congress and the President of the United States, August twenty-third, one thousand nine hundred and twenty-one, and authorizing and empowering The Port of New York Authority to effectuate the same, and making an appropriation therefor.

Be it enacted *by the Senate and General Assembly of the State of New Jersey:*

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Whereas, The states of New York and New Jersey on the thirtieth of April, nineteen hundred and twenty-one, pursuant to chapter one hundred and fifty-four of the laws of nineteen hundred and twenty-one of New York and chapter one hundred and fifty-one of the laws of nineteen hundred and twenty-one of New Jersey, did enter into a compact or agreement which pledged the two states to faithful cooperation in the future planning and development of the port of New York, and which, furthermore, created the port of New York district, as therein described, and the port of New York authority, a body politic and corporate, as an instrumentality or agency of the two states to effectuate such pledge of cooperation;

And whereas, The said compact or agreement provides in article ten thereof that the "legislatures of the two states, prior to the signing of this agreement, or thereafter as soon as may be

WHEREAS, The States of New York and New Jersey, on the thirtieth of April, one thousand nine hundred and twenty-one, pursuant to chapter 154 of the Laws of 1921 of New York and chapter 151 of the Laws of 1921 of New Jersey, did enter into a compact or agreement which pledged the two States to faithful co-operation in the future planning and development of the Port of New York, and which, furthermore, created the Port of New York District, as therein described, and The Port of New York Authority, a body politic and corporate, as an instrumentality or agency of the two States to effectuate such pledge of co-operation; and

WHEREAS, The said compact or agreement provides in article X thereof that the "Legislatures of the two States, prior to the signing of this agreement, or thereafter as soon as may be practicable, will adopt a plan or plans for the comprehensive

practicable, will adopt a plan or plans for the comprehensive development of the port of New York";

Now, therefore (the state of New Jersey by appropriate legislation concurring therein), the following be and it is hereby adopted as the comprehensive plan for the development of the port of New York under and pursuant to said compact or agreement:

development of the port of New York;"

Now, therefore (the State of New York by appropriate legislation concurring therein), the following be and it is hereby adopted as the Comprehensive Plan for the development of the Port of New York, under and pursuant to said compact or agreement:

Section 1. Principles to govern the development:

First. That terminal operations within the port district, so far as economically practicable, should be unified;

Second. That there should be consolidation of shipments at proper classification points so as to eliminate duplication of effort, inefficient loading of equipment and realize reduction in expenses;

Third. That there should be the most direct routing of all commodities so as to avoid centers of congestion, conflicting currents and long truck-hauls;

Fourth. That terminal stations established under the comprehensive plan should be union stations, so far as practicable;

Fifth. That the process of coordinating facilities should so far as practicable adapt existing facilities as integral parts of the new system, so as to avoid needless destruction of existing capital investment and reduce so far as may be possible the requirements for new capital; and endeavor should be made to obtain the consent of local

municipalities within the port district for the coordination of their present and contemplated port and terminal facilities with the whole plan.

Sixth. That freight from all railroads must be brought to all parts of the port wherever practicable without cars breaking bulk, and this necessitates tunnel connection between New Jersey and Long Island, and tunnel or bridge connections between other parts of the port;

Seventh. That there should be urged upon the federal authorities improvement of channels so as to give access for that type of waterborne commerce adapted to the various forms of development which the respective shorefronts and adjacent lands of the port would best lend themselves to;

Eighth. That highways for motor truck traffic should be laid out so as to permit the most efficient inter-relation between terminals, piers and industrial establishments not equipped with railroad sidings and for the distribution of building materials and many other commodities which must be handled by trucks; these highways to connect with existing or projected bridges, tunnels and ferries.

Ninth. That definite methods for prompt relief should be devised which can be applied for the better coordination and operation of existing facilities while larger and more comprehensive plans for future development are being carried out.

§ 2. The bridges, tunnels and belt lines forming the comprehensive plan are generally and in outline indicated on maps filed by the port of New York authority in the offices of the secretaries of the states of New York and New Jersey and are hereinafter described in outline.

§ 3. Tunnels and bridges to form part of the plan. (a) A tunnel or tunnels connecting the New Jersey shore and the Brooklyn shore of New York to provide through line connection between the transcontinental railroads now having their terminals in New Jersey with the Long Island railroad and the New York connecting railroad on Long Island and with the New York Central and Hudson River railroad and the New York, New Haven and Hartford railroad in the Bronx, and to provide continuous transportation of freight between the Queens, Brooklyn and Bronx sections of the port to and from all parts of the westerly section of the port, for all of the transcontinental railroads.

(b) A bridge and/or tunnel across or under the Arthur kill, and/or the existing bridge enlarged, to provide direct freight carriage between New Jersey and Staten Island.

(c) The location of all such tunnels or bridges to be at the shortest, most accessible and most economical points practicable, taking account of existing facilities now located within the port district and providing for and taking account of all reasonably foreseeable future growth in all parts of the district.

§ 4. Manhattan service. The island of Manhattan to be connected with New Jersey by bridge or tunnel, or both, and freight destined to and from Manhattan to be carried underground, so far as practicable, by such system, automatic electric as hereinafter described or otherwise, as will furnish the most expeditious, economical and practicable transportation of freight, especially meat, produce, milk and other commodities comprising the daily needs of the people. Suitable markets, union inland terminal stations and warehouses to be laid out at points most convenient to the homes and industries upon the

island; the said system to be connected with all the transcontinental railroads terminating in New Jersey and by appropriate connection with the New York Central and Hudson River railroad, the New York, New Haven and Hartford and the Long Island railroads.

§ 5. Belt lines. The numbers hereinafter used correspond with the numbers which have been placed on the map of the comprehensive plan to identify the various belt lines and marginal railroads.

Number 1. Middle belt line. Connects New Jersey and Staten Island and the railroads on the westerly side of the port with Brooklyn, Queens, the Bronx and the railroads on the easterly side of the port. Connects with the New York Central railroad in the Bronx; with the New York, New Haven and Hartford railroad in the Bronx; with the Long Island railroad in Queens and Brooklyn; with the Baltimore and Ohio railroad near Elizabethport and in Staten Island; with the Central Railroad Company of New Jersey at Elizabethport and at points in Newark and Jersey City; with the Pennsylvania railroad in Newark and Jersey City; with the Lehigh Valley railroad in Newark and Jersey City; with the Delaware, Lackawanna and Western railroad in Jersey City and the Secaucus meadows; with the Erie railroad in Jersey City and the Secaucus meadows; with the New York, Susquehanna and Western, the New York, Ontario and Western and the West Shore railroads on the westerly side of the Palisades above the Weehawken tunnel.

The route of the middle belt line as shown on said map is in general as follows: Commencing at the Hudson river at Spuyten Duyvil running easterly and southerly generally along the easterly side of the Harlem river, utilizing existing lines so far as practicable and improving and

adding where necessary, to a connection with Hell Gate bridge and the New Haven railroad, a distance of approximately seven miles; thence continuing in a general southerly direction, utilizing existing lines and improving and adding where necessary, to a point near Bay Ridge, a distance of approximately eighteen and one-half miles; thence by a new tunnel under New York bay in a northwesterly direction to a portal in Jersey City or Bayonne, a distance of approximately five miles, to a connection with the tracks of the Pennsylvania and Lehigh Valley railroads; thence in a generally northerly direction along the easterly side of Newark bay and the Hackensack river at the westerly foot of the Palisades, utilizing existing tracks and improving and adding where necessary, making connections with the Jersey Central, Pennsylvania, Lehigh Valley, Delaware, Lackawanna and Western, Erie, New York, Susquehanna and Western, New York, Ontario and Western, and West Shore railroads, a distance of approximately ten miles. From the westerly portal of the Bay tunnel and from the line along the easterly side of Newark bay by the bridges of the Central railroad of New Jersey (crossing the Hackensack and Passaic rivers) and of the Pennsylvania and Lehigh Valley railroads (crossing Newark bay) to the line of the Central railroad of New Jersey running along the westerly side of Newark bay and thence southerly along this line to a connection with the Baltimore and Ohio railroad south of Elizabethport, utilizing existing lines so far as practicable and improving and adding where necessary, a distance of approximately twelve miles; thence in an easterly direction crossing the Arthur kill, utilizing existing lines so far as practicable and improving and adding where necessary, along the northerly and easterly shores of Staten Island to the new city piers and to a connection, if the city of New York consent thereto, with the tunnel under the Narrows

to Brooklyn provided for under chapter seven hundred of the laws of the state of New York for nineteen hundred and twenty-one.

Number 2. A marginal railroad to the Bronx extending along the shore of the East river and Westchester creek connecting with the middle belt line (number one), and with the New York, New Haven and Hartford railroad in the vicinity of Westchester.

Number 3. A marginal railroad in Queens and Brooklyn extending along Flushing creek, Flushing bay, the East river and the upper New York bay. Connects with the middle belt line (number one), by lines number four, number five, number six and directly at the southerly end at Bay Ridge. Existing lines to be utilized and improved and added to and new lines built where lines do not now exist.

Number 4. An existing line to be improved and added to where necessary. Connects the middle belt line (number one), with the marginal railroad number three near its northeasterly end.

Number 5. An existing line to be improved and added to where necessary. Connects the middle belt line (number one), with the marginal railroad number three in Long Island City.

Number 6. Connects the middle belt line (number one), with the marginal railroad number three in the Greenpoint section of Brooklyn. The existing portion to be improved and added to where necessary.

Number 7. A marginal railroad surrounding the northerly and westerly shores of Jamaica bay. A new line. Connects with the middle belt line (number one).

Number 8. An existing line, to be improved and added to where necessary. Extends along the southeasterly shore of Staten Island. Connects with middle belt line (number one).

Number 9. A marginal railroad extending along the westerly shore of Staten Island and a branch connection with number eight. Connects with the middle belt line (number one), and with a branch from the outer belt line (number fifteen).

Number 10. A line made up mainly of existing lines, to be improved and added to where necessary. Connects with the middle belt line (number one) by way of marginal railroad number eleven. Extends along the southerly shore of Raritan bay and through the territory south of the Raritan river reaching New Brunswick.

Number 11. A marginal railroad extending from a connection with the proposed outer belt line (number fifteen) near New Brunswick along the northerly shore of the Raritan river to Perth Amboy, thence northerly along the westerly side of the Arthur kill to a connection with the middle belt line (number one) south of Elizabethport. The portion of this line which exists to be improved and added to where necessary.

Number 12. A marginal railroad extending along the easterly shore of Newark bay and the Hackensack river and connects with the middle belt line (number one). A new line.

Number 13. A marginal railroad extending along the westerly side of the Hudson river and the Upper New York bay. Made up mainly of existing lines—the Erie Terminals, Jersey Junction, Hoboken Shore, and National Docks railroads. To be improved and added to where

necessary. To be connected with middle belt line (number one).

Number 14. A marginal railroad connecting with the middle belt line (number one), and extending through the Hackensack and Secaucus meadows.

Number 15. An outer belt line, extending around the westerly limits of the port district beyond the congested section. Northerly terminus on the Hudson river at Piermont. Connects by marginal railroads at the southerly end with the harbor waters below the congested section. By spurs connects with the middle belt line (number one) on the westerly shore of Newark bay and with the marginal railroad on the westerly shore of Staten Island (number nine).

Number 16. The automatic electric system for serving Manhattan Island. Its yards to connect with the middle belt line and with all the railroads of the port district. A standard gauge underground railroad deep enough in Manhattan to permit of two levels of rapid transit subways to pass over it. Standard railroad cars to be brought through to Manhattan terminals for perishables and food products in refrigerator cars. Cars with merchandise freight to be stopped at its yards. Freight from standard cars to be transferred onto wheeled containers, thence to special electrically propelled cars which will bear it to Manhattan. Freight to be kept on wheels between the door of the standard freight car at the transfer point and the tail board of the truck at the Manhattan terminal or the store door as may be elected by the shipper or consignee, eliminating extra handling.

Union terminal stations to be located on Manhattan in zones as far as practicable of equal trucking* distance, as

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* New Jersey statute reads "tracking," obviously a typographical error.

to pickups and deliveries, to be served by this system. Terminals to contain storage space and space for other facilities. The system to bring all the railroads of the port to Manhattan.

§ 6. The determination of the exact location, system and character of each of the said tunnels, bridges, belt lines, approaches, classification yards, warehouses, terminals or other improvements shall be made by the port authority after public hearings and further study, but in general the location thereof shall be as indicated upon said map, and as herein described.

§ 7. The right to add to, modify or change any part of the foregoing comprehensive plan is reserved by each state, with the concurrence of the other.

§ 8. The port of New York authority is hereby authorized and directed to proceed with the development of the port of New York in accordance with said comprehensive plan as rapidly as may be economically practicable and is hereby vested with all necessary and appropriate powers not inconsistent with the constitution of the United States or of either state, to effectuate the same, except the power to levy taxes or assessments. It shall request the congress of the United States to make such appropriations for deepening and widening channels and to make such grants of power as will enable the said plan to be effectuated. It shall have power to apply to all federal agencies, including the interstate commerce commission, the war department, and the United States shipping board, for suitable assistance in carrying out said plan. It shall cooperate with the state highway commissioners of each state so that trunk line highways as and when laid out by each state shall fit in with said comprehensive plan. It shall render such advice, suggestion and assistance to all municipal officials as will permit all local and municipal port and

harbor improvements, so far as practicable, to fit in with said plan. All municipalities within the district are hereby authorized and empowered to cooperate in the effectuation of said plan, and are hereby vested with such powers as may be appropriate or necessary so to cooperate. The bonds or other securities issued by the port authority shall at all times be free from taxation by either state. The port authority shall be regarded as the municipal corporate instrumentality of the two states for the purpose of developing the port and effectuating the pledge of the states in the said compact, but it shall have no power to pledge the credit of either state or to impose any obligation upon either state, or upon any municipality, except as and when such power is expressly granted by statute, or the consent by any such municipality is given.

§ 9. The sum of one hundred thousand dollars ($100,000), or so much thereof as may be necessary, is hereby appropriated out of any moneys in the state treasury not otherwise appropriated, for the expenses of the port authority. The moneys hereby appropriated shall be paid out by the state treasurer on the warrant of the comptroller upon vouchers audited by the chairman of the port authority.

§ 10. All acts and parts of acts inconsistent herewith are hereby repealed, and this act shall take effect immediately.

9. The sum of one hundred thousand dollars ($100,000), or so much thereof as may be necessary, is hereby appropriated out of any moneys in the State treasury not otherwise appropriated, for the expenses of the Port Authority. The moneys hereby appropriated shall be paid out by the State Treasurer on the warrant of the Comptroller of the Treasury, upon vouchers signed by the chairman of the said Port Authority.

10. All acts and parts of acts inconsistent herewith are hereby repealed, and this act shall take effect immediately.

Approved February 23, 1922.

Public Resolution No. 66—67th Congress
[H. J. Res. 337]

JOINT RESOLUTION

Granting consent of Congress and authority to the Port of New York Authority to execute the comprehensive plan approved by the States of New York and New Jersey by chapter 43, Laws of New York, 1922, and chapter 9, Laws of New Jersey, 1922.

Whereas pursuant to the agreement or compact entered into by the States of New York and New Jersey under date of April 30, 1921, and consented to by the Congress of the United States by resolution signed by the President on the 23rd day of August, 1921, the two States have agreed upon a comprehensive plan for the development of the port of New York; and

Whereas the carrying out and executing of the said plan will the better promote and facilitate commerce between the States and between the States and foreign nations and provide better and cheaper transportation of property and aid in providing better postal, military, and other services of value to the Nation: Therefore be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That, subject always to the approval of the officers and agents of the United States as required by Acts of Congress touching the jurisdiction and control of the United States over the matters, or any part thereof, covered by this resolution, the consent of Congress is hereby given to the supplemental agreement between the States of New York and New Jersey evidenced by chapter 43, Laws of New York, 1922, and chapter 9, Laws of New Jersey,

1922, covering the comprehensive plan for the development of the port of New York embraced in said statutes in form following, that is to say:

> [Here follows the text of the State statutes, Sections 1 to 7, inclusive, as it appears herein from page 71 to page 79, except for an obvious typographical error in using the words "adopt casting facilities" instead of "adapt existing facilities" in Section 1, fifth principle, second line. Note that the preambles and Sections 8, 9 and 10 of the State statutes are omitted.]

And the consent of Congress is hereby given to the carrying out and effectuation of said comprehensive plan, and the said Port of New York Authority is authorized and empowered to carry out and effectuate the same; *Provided*, That nothing herein contained shall be construed as impairing or in any manner affecting any right or jurisdiction of the United States in and over the region which forms the subject of said agreement; *Provided further*, That no bridges, tunnels, or other structures shall be built across, under, or in any of the waters of the United States, and no change shall be made in the navigable capacity or condition of any such waters, until the plans therefor have been approved by the Chief of Engineers and the Secretary of War.

SEC. 2. That the right to alter, amend, or repeal this resolution is hereby expressly reserved.

Approved, July 1, 1922.

ACT OF THE LEGISLATURE OF THE STATE OF NEW YORK IN FURTHER EFFECTUATION OF THE COMPREHENSIVE PLAN, BY PROVIDING ADEQUATE MACHINERY AND APPROPRIATE JURISDICTION IN THE COURTS.

LAWS OF NEW YORK, 1924

CHAPTER 623

AN ACT to amend chapter forty-three of the laws of nineteen hundred and twenty-two, entitled "An Act by which the state of New York agrees with the state of New Jersey upon the comprehensive plan for the development of the port of New York, pursuant to the compact authorized by the two states and signed April thirtieth, nineteen hundred and twenty-one, and consented to and approved by congress and the president of the United States August twenty-three, nineteen hundred and twenty-one, and authorizing and empowering the port of New York authority to effectuate the same," in further effectuation of the powers given to the port of New York authority by said comprehensive plan and by the said compact, and providing adequate machinery and appropriate jurisdiction in the supreme court of this state.

Became a law May 5, 1924, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Chapter forty-three of the laws of nineteen hundred and twenty-two is hereby amended by adding thereto the following sections:

§ 11. To facilitate the determination of the economic practicability of any step in the said comprehensive plan, or of any other fact or matter which the port authority is authorized and empowered to decide or determine, the port authority may conduct investigations, inquiries or hearings at such place or places and at such times as it shall appoint. Such investigations, inquiries or hearings may be held by or before one or more of the commissioners of the port authority, or by or before any person or persons appointed as its representative, and when ratified, approved or confirmed by the port authority on its action shall be and be deemed to be the investigation, inquiry or hearing of the port authority.

For the purpose of such investigations, inquiries or hearings, and of such other action or powers as the port authority may be authorized or empowered to take or exercise, it shall have jurisdiction of any and all persons, associations, or corporations, residing in, or acting or existing under or by virtue of the laws of, or owning property or coming within this state.

§ 12. The port authority shall have the power to compel the attendance of witnesses and the production of any papers, books or other documents, and to administer oaths to all witnesses who may be called before it. Subpoenas issued by the port authority shall be signed by a commissioner or by the secretary of the port authority and may be served by any person of full age. The fees of witnesses required to attend before the port authority shall be one dollar for each day's attendance, and three cents for every mile of travel by the nearest generally traveled routes in going to and from the place where the attendance of the witness is required. Such fees shall be paid when the witness is excused from further attendance, and the disbursements made in the payment of such fees shall be audited and paid in the same manner provided for the

payment of expenses of the port authority; provided that no witness subpoenaed at the instance of parties other than the port authority shall be entitled to compensation therefrom for attendance or travel, but the cost thereof shall be borne by the party at whose instance the witness is summoned, unless the port authority otherwise orders.

If a person subpoenaed to attend before the port authority fails to obey the command of such subpoena without reasonable cause, or if a person in attendance before the port authority shall, without reasonable cause, refuse to be sworn or be examined, or to answer a question, or to produce a book or paper, or other document, or to subscribe and swear to his deposition after it has been correctly reduced to writing, when directed so to do by the port authority or on its behalf, then the port authority may apply to the supreme court, or to any justice thereof, who shall have the power of the court for that purpose, upon proof by affidavit of the facts, for an order returnable in not less than two or more than five days after service thereof, directing such person to show cause before the court or justice who made the order, or any other justice, why he should not comply with the subpoena or direction of the port authority, or be committed to jail. Upon the return of such order, the court or justice before whom the matter shall come on for hearing shall examine under oath the person whose testimony may be relevant, and such person shall be given an opportunity to be heard, and if the justice shall determine that such person refused without reasonable cause or legal excuse to be examined, or to answer a legal and pertinent question, or to produce a book or paper which he was ordered to bring, he may order the said person to comply forthwith with the subpoena or direction of the port authority, or may commit the offender to jail, there to remain until he submits to do the act which he was so required to do, or is discharged according to law.

§ 13. All hearings before the port authority, including the taking of testimony, shall be governed by rules to be adopted and prescribed by it. No person shall be excused from testifying or from producing any books or papers in any investigation, inquiry or hearing before the port authority when ordered so to do by it, upon the ground that the testimony or evidence, books or documents, required of him may tend to incriminate him or subject him to penalty of forfeiture; but no person shall be prosecuted, punished or subjected to any penalty or forfeiture, for, or on account of, any act, transaction, matter or thing, concerning which he shall, under oath, have testified or produced documentary evidence, provided, however, that no person so testifying shall be exempt from prosecution or punishment for any perjury committed by him in his testimony. Nothing herein contained is intended to give, or shall be construed as in any manner giving, unto any corporation immunity of any kind.

No commissioner or employee of the port authority shall be required to give testimony in any civil suit to which the port authority is not a party with regard to information obtained by him in the discharge of his official duty.

§ 14. Every order of the port authority shall be served upon every person, association or corporation to be affected thereby, either by personal delivery of a certified copy thereof, or by mailing a certified copy thereof, in a sealed package with postage prepaid, to the person to be affected thereby; or in the case of a corporation to any officer or agent thereof upon whom a summons might be served, either within or without the state, in accordance with law. It shall be the duty of every person, association or corporation, to notify the port authority forthwith, in writing, of the receipt of the certified copy of every order so served, and in the case of a corporation such notifica-

tion must be signed and acknowledged by a person or officer duly authorized by the corporation to admit such service. Within a time specified in the order of the port authority, such person, association or corporation, upon whom it is served, must, if so required in the order, notify the port authority in like manner, whether the terms of the order are accepted and will be obeyed. Every order of the port authority shall take effect at a time therein specified and shall continue in force either for a period which may be designated therein, or until changed or abrogated by the port authority, unless such order be unauthorized by law, or be in violation of a provision of the constitution of the state, or of the United States.

No order staying or suspending an order of the port authority shall be made by any court otherwise than upon notice and after hearing, and if the order of the port authority is suspended, the order suspending the same shall contain a specific finding based upon evidence submitted to the court and identified by reference thereto that great and irreparable damage would otherwise result to the petitioner and specifying the nature of the damage.

§ 15. Whenever the port authority shall be of the opinion that any person, association or corporation subject to its jurisdiction is failing or omitting, or about to fail or omit to do anything required of it by the laws governing the development and regulation of the port of New York, or by its order, or is doing or is about to do anything, or permitting, or about to permit anything to be done contrary to, or in violation of, such law or orders, it shall direct its legal representative to commence an action or proceeding in the name of the port authority, in an appropriate court having jurisdiction, for the purpose of having such violations, or threatened violations, stopped and prevented either by mandamus or injunction. Such

an action or proceeding may be brought in the supreme court of this state, and the said court shall have and is hereby given the necessary and appropriate jurisdiction to grant mandamus or injunction, as the case may require, or any other relief appropriate to the case.

Failure of such person, association or corporation to notify the port authority, as required in the preceding section, of its acceptance of and willingness to obey any order of the port authority shall be and be deemed to be prima facie proof that such person, association or corporation is guilty of such violation, or threatened violation. The legal representative of the port authority shall begin such action or proceeding by a petition to the appropriate court, alleging the violation complained of and praying for appropriate relief by way of mandamus or injunction. If the petition is directed to a court of this state, it shall thereupon be the duty of the court to specify the time, not exceeding twenty days after the service of a copy of the petition, within which the person, association or corporation complained of must answer the petition. In case of default in answer, or after answer, the court shall immediately inquire into the facts and circumstances, in such manner as the court shall direct, without other or formal pleadings and without respect to any technical requirement. Such other persons, associations or corporations as the court shall deem necessary or proper to join as parties, in order to make its order, judgment or writs effective, may be joined as parties upon application of the legal representative of the port authority. The final judgment in any such action or proceeding shall either dismiss the action or proceeding, or direct that a writ of mandamus, or an injunction, or both, issue as prayed for in the petition, or in such modified or other form as the court may determine will afford the appropriate relief.

§ 16. Whenever the port authority, after opportunity to the parties affected or to be affected thereby to be heard, shall determine any fact or matter which it is authorized by any law to hear or determine, or that any step in the effectuation of the comprehensive plan is or in the near future will be economically practicable, it shall make its findings in writing, setting forth its reasons therefor, and such findings shall be and be deemed to be a determination by the port authority, under and pursuant to law. Upon such determination an appropriate order may be entered by the port authority and be made effective and may be enforced as herein provided.

If such findings or determination shall require the use of existing facilities or any part thereof described in the law, owned or operated by any carrier or carriers, then the port authority may order and require the carrier or carriers owning or operating said railroad facilities or part thereof to permit the use of such facilities or part thereof upon the payment of reasonable compensation therefor. If the carrier or carriers affected or to be affected by such order shall not be able, within the time to be specified in its order by the port authority, to agree among themselves upon the compensation to be paid by a user to a proprietor or operator for the use of such existing facilities or part thereof, then the port authority shall make determination of the amount to be paid by the user to the proprietary carrier or carriers, taking all the facts and circumstances into account, including the public use to which such facilities have been put; or, at its option, the port authority may apply to the supreme court of this state, either in a separate proceeding or in proceedings by mandamus or injunction to enforce its order, to fix and determine the fair and reasonable compensation to be paid by the user to the proprietary carrier or carriers for such use. If any carrier shall be dissatisfied with the

findings of the port authority in the matter of the compensation to be paid for the use of any existing facility, it shall have the right to review the same in the supreme court of this state by taking appropriate proceedings for such review within sixty days from the service of the order of the port authority, but pending such review the order for the use of such facilities shall be operative, the determination of the compensation by the court to relate back to the time of the commencement of such user, unless the court shall for good and proper reasons enjoin the operation of such order.

If, in the determination of steps to effectuate the comprehensive plan, the port authority shall determine that one or more union terminal stations are then, or in the near future, economically practicable, it shall call a conference of all the carriers affected or to be affected by the use of such terminal stations or station and shall submit to them a plan or plans for the construction, maintenance and use thereof. If the carriers or any of them shall fail or refuse to agree upon such plan, the port authority shall make and certify its findings and conclusions to the supreme court of this state, and the said court is vested with appropriate and adequate jurisdiction to determine whether or not such plan or plans for a union station or stations effectuate the comprehensive plan, and to make such conditions and impose such terms as will carry out the same in accordance with the principles embraced in the comprehensive plan and the laws governing the same.

§ 17. All actions and proceedings to which the port authority may be a party and in which any question arises under the laws relating to the port authority, or under or concerning any of its orders or actions, shall be preferred over all other civil causes, except election causes, in all courts of this state and shall be heard and deter-

mined in preference to all other civil business pending therein, except election causes, irrespective of position on the calendar. The same preference shall be granted upon application of the legal representative of the port authority, in any action or proceeding in which he may be allowed to intervene.

§ 2. The powers herein granted to the port authority shall be regarded as in aid of and supplemental to, and in no case as a limitation upon any of the powers vested in it by the states of New York and New Jersey and or by congress.

§ 3. If any term or provision of this act shall be declared unconstitutional or ineffective in whole or in part by a court of competent jurisdiction, then to the extent that it is not unconstitutional or ineffective such term or provision shall be enforced and effectuated; nor shall such determination be deemed to invalidate the remaining terms or provisions hereof.

§ 4. This act shall take effect immediately.

GENERAL DESCRIPTION OF OTHER PORT AUTHORITY LEGISLATION.

In addition to the statutes printed above for the convenience of the Court, the States of New York and New Jersey have adopted additional legislation relating to the Port Authority, which is not reprinted here, however, because we believe that it throws no light upon the general powers of the Port Authority or the general principles upon which the two States have acted in dealing with it.

Laws of New York, 1921, Chapter 203, and Laws of New Jersey, 1921, Chapter 152.

By these statutes the two States authorized the appointment of commissioners to the Port Authority, provided for the appointment of future commissioners, directed that they receive all the property and records acquired by the Bi-State Commission during its existence, and further directed them to study the report of the Bi-State Commission and to hold further public hearings and conferences with public and private bodies, including Federal agencies, create advisory councils of the representatives of commercial and transportation bodies, and generally to study further the recommendations of the Bi-State Commission and report the results of such study and submit a Comprehensive Plan for the development of the port district to the Legislatures in 1922. The sum of $100,000 was appropriated by each State for their expenses under these statutes.

LAWS OF NEW YORK, 1924, CHAPTERS 230 AND 186, AND LAWS OF NEW JERSEY, 1924, CHAPTERS 125 AND 149.

By these statutes the two States authorized and empowered the Port Authority to construct two bridges across the Arthur Kill, the first between Perth Amboy, New Jersey, and Tottenville, New York, and the second between Elizabeth, New Jersey, and Howland Hook, New York. The grants are recited to be in partial effectuation of the Comprehensive Plan and of the compact. The bridges are to be built and paid for out of money raised by the Port Authority upon bond issues or by similar means, secured by the revenues from the bridges. The Port Authority is authorized to make such regulations and establish such tolls as it finds necessary to comply with the terms of the bond issues and to maintain the bridges. Machinery for the exercise of the power of condemnation by the Port Authority in connection with the construction of the bridges is granted by Sections 5 to 14 of the respective acts. The rights of municipalities are protected as they are in the compact and the Comprehensive Plan. Appropriations of $50,000 from each State for each bridge are made for the expenses of preliminary surveys and studies.